

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CUBIE EILAND and QUALITY)	
ASSURANCE TESTING)	
LABORATORIES, INC.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 07-cv-238-WKW-WC
)	
CITIBANK USA, N.A. and)	
QUIK PAWN SHOP,)	
)	
Defendants.)	

REPORT OF PARTIES' PLANNING MEETING

Counsel for parties have conferred pursuant to FED. R. CIV. P. 26(f) and submit the following report:

1. Pursuant to Fed. R. Civ. P. 26(f), the following parties have conferred:
 - Donald G. Madison for Plaintiffs
 - Rik S. Tozzi for Defendant Citibank (South Dakota), N.A.
 - Patrick L. Lowther for Defendant Citibank (South Dakota), N.A.
2. Pre-Discovery Disclosures. The parties will exchange by September 10, 2007 the information required by Fed. R. Civ. P. 26(a)(1).
3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects: allegations in Plaintiffs' Complaint and Defendant's defenses.

Disclosure or discovery of electronically stored information should be handled as follows:

The parties do not anticipate the need for electronically stored information; however, Plaintiffs reserve the right to seek it if discovery reveals that discoverable information is electronically stored.

All discovery commenced in time to be completed by April 2, 2008. A preliminary list of witnesses should be provided by March 19, 2008.

Defendant requests a maximum of 25 interrogatories by each party to any other party. Responses due 30 days after service.

Plaintiffs request more than 25 interrogatories. Responses due 30 days after service.

Defendant requests a maximum of 25 requests for production by each party to any other party. Responses due 30 days after service.

Plaintiffs request more than 25 requests for production. Responses due 30 days after service.

Defendant requests a maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service.

Plaintiffs request more than 25 requests for admission. Responses due 30 days after service.

Maximum of 10 depositions by Plaintiffs and 10 by Defendant (not to include expert witness depositions), excluding depositions upon written questions.

Each deposition limited to maximum of 7 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:

From Plaintiffs by February 1, 2007.

From Defendant by March 1, 2007.

Supplementations under Rule 26(e) due 30 days prior to the close of discovery.

4. Other items.

The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in June 2008.

Plaintiffs should be allowed until January 15, 2008 to join additional parties and to amend the pleadings.

Defendant should be allowed until February 15, 2008 to join additional parties and to amend the pleadings.

All potentially dispositive motions should be filed by April 28, 2008.

The parties attempted to resolve this matter by way of mediation on August 1, 2007 before Judge Randall Thomas, but were unable to reach an agreement. The parties will resume settlement discussions after the completion of some discovery and/or after a ruling on a motion to compel arbitration.¹

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due 30 days prior to trial.

Parties should have 15 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by July 2008 and at this time is expected to take approximately 3 days.

¹ By engaging in mediation and by filing its Rule 26 Initial Disclosures, Citibank (South Dakota), N.A. has in no way waived its rights to compel this matter to arbitration.

Date: August 17, 2007

/s/ Donald G. Madison

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/s/ Rik S. Tozzi

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